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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 647th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 21 September 2000, at 10 a.m.

Chairperson: Ms. OUEDRAOGO

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GE.00-44623 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial reports of the United Kingdom of Great Britain and Northern Ireland on the Isle of Man and the Overseas Dependent Territories [CRC/C/41/Add.7 and 9; CRC/C/11/Add.19 and Corr.1; HRI/CORE/I/Add.62; CRC/C/Q/UK/-IM/1; written replies of the Government of the United Kingdom of Great Britain and Northern Ireland to the questions in the list of issues (document without a symbol distributed in the meeting room in English only)]

1. At the invitation of the Chairperson, the delegation of Great Britain and Northern Ireland took places at the Committee table.

2. The CHAIRPERSON said that the initial reports of the United Kingdom under consideration covered the following Overseas Dependent Territories and Crown Dependencies: the Isle of Man, Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn Island, St. Helena and its dependencies, the Turks and Caicos Islands and the Falkland Islands.

3. Mr. KISSACK (United Kingdom of Great Britain and Northern Ireland) said that the Isle of Man, once an ancient kingdom in its own right, was now a dependency of the British Crown; although the United Kingdom had certain responsibilities in its regard, including defence, representation and good governance, the island had its own parliament, judiciary and administration, and in essence was internally autonomous and self-governing. As a common law jurisdiction, the Isle of Man looked to the United Kingdom for advice regarding legislation, policy, specialized staff and other matters. A rural island, it had a population of about 75,000, a little less than half of which lived in Douglas, the largest town, the remainder in small, scattered settlements. Though historically poor, in recent years the island had turned from traditional industries to financial services and manufacturing, and its per capita national income was now roughly equal to that of the United Kingdom. The standard of living was typical of western Europe; public services were the same as, or better than, those provided in the United Kingdom.

4. With prosperity, the population had been revitalized, resulting in an increase in the number of young people and children, and in turn prompting new investments in schools and sports facilities. Unemployment was below 1 per cent among persons of working age. The Isle of Man was a small community, and its Government could claim to be in touch with its people on a daily basis. It took its responsibility under international instruments seriously and was committed to providing the best services possible to all its people, including children. To suggest that no problems existed would be misleading: reported instances of child abuse; the misuse or abuse by children of drugs, alcohol and solvents; the incidence of unwanted teen pregnancies; and crimes committed by children and young people had increased. Certain areas of legislation needed updating. The problems of the Isle of Man were not atypical, and the Government was doing its utmost to resolve them, using all the professional expertise available to it.

5. The island's history of poverty, had, however, left a legacy of under-investment which the Government was attempting to remedy; in addition, the island had been slow in developing effective social services, though great strides had been made in the previous 10 years.

6. Tynwald, the parliament of the Isle of Man, had recently passed the Criminal Justice Bill, which would definitively remove corporal punishment from the Manx Statute Book and establish a register of sex offenders. No corporal punishment had been administered on the island, however, for almost 30 years. Three further relevant bills would be considered by Tynwald in coming months, the Children and Young Persons Bill, the Adoption Bill, and the Education Bill, which would put into statute law the ban of the Department of Education on the use of corporal punishment.

7. The Isle of Man's Child Care Strategy would expire in 2001, and was due for review. That review, which would result in a five-year development programme for the provision of services to children and their families, would undoubtedly gain from the examination of the report currently under way.

8. Ms. KARP inquired why the United Kingdom had not yet submitted reports regarding Jersey, Guernsey, Alderney, Sark, Gibraltar, Henderson, Ducie, the Oeno Islands, South Georgia and the South Sandwich Islands, and whether she was correct in her understanding that the Convention had not been extended to the British Antarctic Territory, the British Indian Ocean Territory, and the Sovereign Base Areas of Cyprus. Finally, she would like to know why the Convention had not been extended to all the Overseas Dependent Territories and Crown Dependencies.

9. She had been concerned to find that the white paper entitled "Britain and the Overseas Territories: A Modern Partnership" referred to the European Convention on Human Rights and the International Covenant on Civil and Political Rights but made no mention of the Convention on the Rights of the Child, and wondered the reason for its absence.

10. It would be useful to know what proportion of the development assistance support accorded by the Government of the United Kingdom to those territories still receiving such assistance, Anguilla, the British Virgin Islands, Montserrat, the Turks and Caicos Islands, Pitcairn Island and St. Helena, was earmarked for the implementation of children's rights.

11. She would also like to know whether questions regarding the withdrawal of reservations entered by the United Kingdom on behalf of the Overseas Dependent Territories and the Crown Dependencies should be addressed to that Government or to those of the Territories and Dependencies themselves.

12. Finally, she asked whether the United Kingdom was providing advice and guidance to the Isle of Man and the Overseas Dependent Territories and Crown Dependencies regarding the use of corporal punishment in schools.

13. Mr. RABAH inquired whether the reports had been prepared by the Isle of Man and the Overseas Dependent Territories and Crown Dependencies themselves, whether and to what extent the Convention was disseminated to island populations, including children, and why those territories had not established the post of ombudsman.

14. Ms. SARDENBERG said she would like to know what role the United Kingdom played in the implementation of the Convention on the Isle of Man and in the Overseas Dependent Territories and Crown Territories, and whether it differed from territory to territory.

15. Mr. FULCI asked why the United Kingdom, in withdrawing its reservations to articles 32 and 37 (d) of the Convention, had not extended that withdrawal to the Isle of Man. He urged it to do so.

16. Ms. TIGERSTEDT-TÄHTELÄ said that she had seen no mention in the reports or in the white paper regarding fiscal policies, and inquired whether the Overseas Dependent Territories and Crown Dependencies were empowered to levy taxes in order to finance child-related policies.

17. Mr. FIFOOT (United Kingdom of Great Britain and Northern Ireland) said that his Government did not apply international instruments to the Crown Dependencies or the Overseas Dependent Territories without consulting their Governments. His Government had indeed consulted those Governments. Gibraltar had announced that it was prepared to accept the Convention, but must amend its legislation in order to do so. Jersey and Guernsey, whose Governments were similar to that of the Isle of Man, were assessing the compatibility of their legislation with the provisions of the Convention, with the aim of accepting it in due course. The Sandwich Islands had a population of 4, all residing in a small hamlet, and teams of 16 scientists which remained for two-year stints: there were no children. The British Antarctic Territory, South Georgia, and other territories mentioned had virtually no population. The Sovereign Base Areas of Cyprus were under military command, which extended to other parts of the island.

18. The white paper had not been envisaged as an exhaustive description of the policies of the United Kingdom with regard to the various international human rights conventions. Its principal concern was civil and political rights, because the United Kingdom had recently moved towards incorporating the European Convention on Human Rights into its domestic legislation. The Government was anticipating with some apprehension its entry into force in autumn 2000, largely because the text was drafted so differently from traditional United Kingdom laws.

19. The role played by the United Kingdom in facilitating the implementation of the Convention consisted of explaining the instrument's scope and purpose to the Governments of the Territories concerned and providing model laws for possible adoption. It was then for the authorities of the Territories, which were internally self-governing, to take measures. The United Kingdom, as the State party to the Convention, was ultimately responsible for ensuring its implementation. However, the constitutional organization of the State was quite complex, and much political power was decentralized. In the case of the Overseas Territories, most of which had previously been colonies, there had been a devolution process, whereas the Isle of Man, Jersey and Guernsey had technically never been part of the United Kingdom, although they were associated with it.

20. The United Kingdom had brought to the attention of the Government of the Isle of Man the need to bring its legislation into line with the European Convention on Human Rights, but it had not itself taken any legislative measures toward that end, and it generally sought to avoid adopting such imperial legislation. As a result, the various Territories often adopted different provisions to comply with the same obligations. As far as the United Kingdom was concerned, that was acceptable as long as those provisions were consistent with the international obligations in question.

21. The report on the Overseas Dependent Territories and Crown Dependencies did indeed consist of a number of separate reports, each of which had been prepared and produced by the respective Territory's authorities. Because of the differences between them and the way their Governments worked, there was no practical alternative to that system. However, the United Kingdom had made an effort to consolidate the replies to the list of issues. Overseas Territories and Crown Dependencies did indeed have the right to impose taxes.

22. Mr. KISSACK (United Kingdom), replying to questions relating specifically to the Isle of Man, said that it was a well-established policy that there should be no corporal punishment in schools. A legislative prohibition of corporal punishment was due to be adopted within a year. The report of the Isle of Man had been prepared by the central office of Government, using submissions from the various departments whose work was related to the rights of the child. The central office had no contact with non-governmental organizations (NGOs), but the contributing departments might have consulted them before drawing up their contributions. A discussion held 10 years earlier had concluded that an ombudsman's office was unnecessary because of the community's small size and the ease of accessibility of the 33 members of the Manx Parliament. However, the Council of Ministers of the Isle of Man was currently considering the question again.

23. The difference between the status of the Isle of Man and the Overseas Territories was that the former was not part of the United Kingdom, but was part of the British Isles and had had a much longer association with the monarchy, dating back to 1405. Officially, it was linked with the crown through the Privy Council, a committee which advised the monarch, and not with the United Kingdom. In practice, it was the Home Office and not the Foreign and Commonwealth Office that dealt with the affairs of the Crown Dependencies of Jersey, Guernsey and the Isle of Man. While such geographic, historic and constitutional differences might appear to be minor, the inhabitants of the Crown Dependencies considered them important. The crown had residual responsibility for defence and external representation, and ultimately was responsible for ensuring the good governance of the Isle of Man.

24. The question of responsibility for the implementation of the Convention was to a certain extent hypothetical; if it were found that the Convention was not being implemented, the Manx authorities would themselves take action to correct the situation without any intervention being necessary on the part of the United Kingdom.

25. The Isle of Man would have no objection to withdrawing its reservation to article 37 (d) of the Convention. However, the reservation to article 32, which related to the employment of children, would be more difficult to withdraw. While there was a law protecting children

under 16 in employment, people between the ages of 16 and 18 were defined as "young persons" in Manx law, and no specific labour protection was afforded them. As things stood at the moment, the Isle of Man was therefore not in a position to withdraw the reservation.

26. Ms. KARP asked for clarification of the status of the Convention on the islands of Henderson, Oeno, Ducie, Alderney and Sark, and asked why the Convention had not been extended to Gibraltar.

27. The report submitted on the Isle of Man was useful and generally followed the Committee's guidelines, but it appeared to concentrate excessively on legal aspects and failed to convey an understanding of the everyday life of the island's children. There was little information on the problems of implementation encountered.

28. The Children and Young Persons Bill and the Child Care Strategy as described in the replies to the list of issues did not adopt a rights-based approach, but instead concentrated on welfare and services. While the bill mentioned the best interests of the child, it did not refer to a number of the other important principles enumerated in the Convention, such as the right for a child to have his or her views heard, the right to life, survival and development, and the right to protection against discrimination. An important aspect of the Convention was that it called for the child to be treated as a subject benefiting from such rights, and not simply as a recipient of services, protection and welfare. It would be of interest to know whether children had been involved in the drafting of the bill and the new strategy.

29. The written replies to the list of issues included a reference to a Human Rights Bill. Would that enactment be similar to the Human Rights Act of the United Kingdom, which specifically referred to international conventions, including the Convention on the Rights of the Child?

30. The fact that children between 16 and 18 were called "young persons" did not seem to justify the maintenance of the reservation to article 32, as they should still be protected from economic exploitation. By maintaining that reservation, the Government was sending the wrong message to the international community. Did the reservations of the United Kingdom to articles 7 (c) and 22 apply also to the Isle of Man?

31. It was commendable that the Government had adopted new legislation abolishing judicial corporal punishment, but why had it taken over 20 years to bring the law into line with the decision of the European Court on that question? Lastly, the statistics presented with the report generally covered children only up to the age of 15. Were there any statistics concerning children through the age of 18, or any relating to the protection of children and their enjoyment of rights?

32. Ms. RILANTONO inquired about the promotion of the Convention, especially in respect of activities by the authorities and by civil society and religious groups. She said that, while there was no ombudsman, the Police Complaints Commission might provide a good basis for the examination of complaints of violations of the rights of the child. Lastly, she would appreciate some information on the budget resources allotted to health services.

33. Ms. SARDENBERG commended the Government for its commitment to ensuring the implementation of the Convention. The situation of the Crown Dependencies and Overseas Territories was indeed quite complex. The United Kingdom Government could, however, put its experience as a State party to good use in order to assist the Territories, each of which had a very specific situation, in implementing the Convention.

34. For the Isle of Man, which had an ageing and declining population, it would be particularly important to adopt the new perception of the child that was found in the Convention. The measures described in the report and replies to the list of issues generally appeared to be desultory. A comprehensive and dynamic approach was needed.

35. The forthcoming withdrawal of the reservation to article 37 (d) would be a welcome step, but the Government should also seriously consider withdrawing the reservation to article 32. Because of the universal nature of the Convention, that reservation sent the wrong signal about the acceptability of economic exploitation of children, which was certainly not the Government's intention.

36. She asked whether NGOs or children had been involved in the consultation process leading up to the drafting of the Children and Young Persons Bill. Were the authorities' dissemination efforts confined to providing copies of the Convention upon request, or did they do more to raise public awareness of the instrument? Did the new code of practice on access to Government information have any impact on the dissemination of the Convention?

37. She expressed scepticism about the policy according to which the Government of the United Kingdom extended international conventions to the Isle of Man only once it had established that the Isle of Man could comply with their requirements. Such instruments should be implemented with a view to pursuing their objectives. She endorsed Ms. Karp's statement that there seemed to be little commitment to adopting the spirit of the Convention.

38. Mr. FULCI expressed satisfaction at the plans to withdraw the reservation to article 7 (d). Noting that the Government of the United Kingdom had requested the withdrawal years before, he asked what had prompted the recent change of position by the Manx authorities, and when the withdrawal would take effect. He fully endorsed the positions of Ms. Karp and Ms. Sardenberg concerning the maintenance of the reservation to article 32. That reservation was anachronistic, as it appeared to signal an indulgent attitude towards the economic exploitation of children. If the United Kingdom, which was so close geographically, culturally and historically to the Isle of Man, could withdraw such a reservation, what factors could justify maintaining it in the Isle of Man?

39. Ms. MOKHUANE noted that if a juvenile wished to file a complaint of violation of his or her rights, a relevant adult must be present when the statement was taken. That was in conflict with the principle of the Convention which recognized the evolving capacities of the child. The authorities had reported that members of Parliament were well versed in the Convention, yet they had also stated that there was a need to train them. He would appreciate the delegation's comments on the level of awareness among policy makers.

40. Ms. TIGERSTEDT-TÄHTELÄ, stressed the importance of adequate budgetary allocations for implementation of the rights of the child, and asked the delegation to spell out the situation prevailing in that regard.

41. Mr. KISSACK (United Kingdom), in reply to a question by Ms. Karp, said that life in the Isle of Man was similar to life in the United Kingdom and other western European countries, where children were influenced by television and the print press. The island adopted a philosophical approach and, like all common-law jurisdictions, operated on the assumption that certain rights were universal; only restrictions to the freedoms involved, and not the rights themselves, were spelled out. Legislation, virtually identical to that passed in the United Kingdom, for the incorporation of the provisions of the European Convention on Human Rights into Manx law was due to be enacted by the end of the year.

42. The reservation to article 37 (c) was the same as the United Kingdom's. Offenders aged 16-17 were normally separated from adult convicts in the island's prison, although constraints based partly on policy and partly on physical conditions sometimes prevented such separation. In the case of the reservation to article 22, Manx immigration policy was dictated by that of the United Kingdom, whose reservation had to be observed.

43. On the basis of public opinion, the Parliament had decided to discontinue judicial corporal punishment in stages, rather than remove it from the Statute Book at once. While it had so far been officially removed only from the lower courts, it was clearly understood that, in keeping with European Court of Human Rights judgements, the Deemsters High Court judges would never impose it.

44. Statistics did exist concerning children usually stopped at age 15, the natural boundary between the first and second of three roughly divided population groups: school-age children, working population and retirees. Publicity of the initial report and the Convention had not hitherto been assigned high priority, but the press announcement of the delegation's appearance before the Committee would doubtless raise huge public interest. Publication of the Committee's concluding observations and the Manx authorities' comments in the press and on the island's Web site would also enhance the profile of the Convention. Thought would be given to extending the remit of the Police Complaints Commission to serve as ombudsman.

45. While child health expenditure was not separately identified, the Isle of Man, like the United Kingdom, had a generous health budget, whose benefits were enjoyed by children. A comprehensive programme of school screening and immunization was also in place. In reply to a question by Ms. Sardenberg, he explained that the previous ageing of the population had been halted by an influx of new residents and, more particularly, by the Isle of Man's economic regeneration which encouraged qualified young people to remain on the island. Most new residents in the Isle of Man originated in the United Kingdom.

46. In reply to Mr. Fulci, he said the reservation to article 37 (d) had never applied to the Isle of Man, whereas that to article 32 did apply, reflecting current Manx law, which differed from that of the United Kingdom. The new education bill shortly to be enacted would empower the Department of Education to introduce new child labour regimes. He was confident that 18 would be accepted as the minimum age of employment. The Isle of Man was embarking on

human rights training for State and local authorities, the judiciary, the police and similar professions, in anticipation of the incorporation of the European Convention on Human Rights into Manx law.

47. Mr. CORTLETT (United Kingdom) explained that the Isle of Man was a flourishing Crown Dependency because of its financial services industry. It was well aware of its human rights obligations and had appeared before the Human Rights Committee to present its report. People would hardly invest in a territory with a poor human rights or child-protection record. With the imminent enactment of the Children and Young Persons Bill, children would be accorded even higher priority than that stipulated in article 3 of the Convention. He trusted that the courts would continue to assign importance to children's best interests. The purpose of the specialist juvenile courts was to ensure that children were not overwhelmed by the judicial process. The human rights bill currently before Parliament significantly reflected United Kingdom legislation, except that the Manx courts would not be empowered to declare laws incompatible with the Convention, a task left to Tynwald.

48. The Isle of Man was not authorized to rule on reservations to articles of the Convention; that was the task of the United Kingdom as the contracting State. The possibility of modifying or withdrawing the reservation to article 32 would be taken up with the Home Office, but measures were already in place to protect children from economic exploitation. Referring to Ms. Sardenberg's suggestion that the United Kingdom Government should serve as a catalyst for the exchange of information on children's rights within its various territories, he stressed that the excellent relationship between the Home Office and the Isle of Man could not but work in favour of children. Regarding a comment by Ms. Mokhuane, he said that since the legislation on police powers enabled a child to request the presence of an adult when being questioned by persons in authority, the provision was intended to protect rather than intimidate.

49. The CHAIRPERSON invited the Committee members to put questions concerning the remaining sections of the list of issues.

50. Ms. KARP noted that the Isle of Man was strongly influenced by legislation and attitudes in the United Kingdom, which had in fact abandoned the conservative approach whereby rights were not enumerated. The Isle of Man should do likewise, and follow the basic approach inherent in the forthcoming Human Rights Act, including its provision calling for human rights and child rights education. Regrettably, the written replies said nothing about placing human rights education in the school curriculum, except as a minor component of civic education. The public could hardly be expected to invoke its rights if it was unaware of their existence. The Convention needed to be given greater visibility among children and parents. She advised the Manx authorities to be guided by the Committee's concluding observations on improvements needed in implementation of children's rights in the United Kingdom, rather than blindly following the latter's legislation.

51. The reservation to article 37 (c) of the Convention would be valid if it referred to the principle of separation of adult and juvenile offenders in the best interests of the child. If, however, the reasons for non-separation were unrelated to that principle, the reservation made no sense and should be withdrawn. Also, with the increasing mobility of persons and emerging new economic and other partnerships, it was important to convince the United Kingdom Government

of the need to withdraw its reservation to article 22. While the authorities' division of the population into three approximate categories was understandable, statistics and information on all minors were required for any meaningful assessment of the scope of child-related problems, especially in the light of plans to develop adolescent-health policies.

52. Children's right to development was insufficiently provided for in Manx legislation. Despite the delegation's insistence that the best interests of the child were of paramount importance, there was no real indication in the written replies of how those interests were protected. In any event, they would be meaningless if they did not go hand in hand with - rather than take precedence over - other of the Convention's provisions. On another matter, children might wish to lodge official complaints outside the hearing of a parent or other adult. The written replies stated that no ombudsman was needed since teachers in secondary schools willingly heard complaints. Did the same apply in primary schools? If not, was it because primary pupils were deemed insufficiently sincere or responsible? The entire issue of child participation needed to be rethought and given more emphasis in everyday life as well as in the legislation.

53. On the subject of corporal punishment, she urged the Manx authorities to refrain from focusing exclusively on United Kingdom legislation. Corporal punishment should be reappraised with a view to educating parents and teachers on alternative methods of punishment which respected a child's physical integrity.

54. Mr. DOEK said he disagreed with Ms. Karp's remarks on the reservation to article 37 (c); he did not see how the holding of young and adult offenders together could possibly be in a child's best interest. Given what he deemed to be the Isle of Man's structural problem in defining the child, he sought clarification of the neglect of children aged 17 in the juvenile justice and care systems, as reflected in paragraphs 11 (b) and 49 of the initial report. Also, what justification was there for differences in treatment of homosexual and heterosexual contacts? He asked how much weight was given to development and maturity in taking children's views into account. He also sought clarification of the guardianship ad litem mentioned in paragraph 28. Were such guardians spokespersons for children, or did they play an independent role in determining children's best interests? He also wished to know which conditions were involved in the conditional sentencing imposed in 42 per cent of convictions, and why community service was an option for only 1 per cent.

55. He said that the six-week time frame for birth registration was too long and asked for additional information on the involuntary placement of children in psychiatric clinics under the 2000 Mental Health Act. What did the programmes for preventing child abuse and neglect actually entail? And what real possibilities existed for children to participate in decisions taken in schools? Procedures for complaints against the police depended on two crucial elements: total independence of the complaints body from the agency complained against and genuine accessibility of the procedure.

56. Mr. RABAH asked how and why responsibility for children in armed conflicts lay with the United Kingdom Government, as stated in paragraph 101 of the initial report. He noted that

the 1996 figures for juvenile offenders (initial report, appendix 3) were too high. Lastly, he requested further information on juvenile detention centres. Did legal aid, reform homes and special centres for girls exist?

57. Ms. KARP, referring to the age of criminal responsibility, said she would welcome clarification of the proposed abolition, under the Children and Young Persons Bill, of the doli incapax provision for children over 10 but under 14.

58. Mr. KISSACK (United Kingdom) said the only place where corporal punishment was practised was the home, as the law authorized parents to exercise "reasonable chastisement", and any attempts to abolish corporal punishment would be controversial because of strong public sentiment in favour of it. In reply to Mr. Doek's comment about the reservation to article 37 (c), he said serious attempts were made to separate juveniles from adults in prisons, but that was not always possible in a small institution.

59. The disparity between the ages of sexual consent for heterosexual and homosexual relationships was again directly linked to public acceptability. In reply to a question on school democracy he said that students participated in decision-making, through their representatives on school governing bodies. Regarding the independence of the police complaints procedure, the current Police Complaints Commissioner was a retired judge and highly respected citizen who enjoyed the total confidence of the island. Replying to Mr. Rabah, he said that refugee issues were dealt with by the United Kingdom Government because refugees entered the Isle of Man via the United Kingdom.

60. Mr. CAUCK (United Kingdom) explained that the Social Services Division had been in existence for only 10 years. The Education Department, which had previously been responsible for child-care services, had been unable to meet the needs of young people adequately. However, child-care services had improved over the last 10 years and it was realized that a more holistic approach was needed; that was to be the thrust of the next phase of development of strategic services. Moreover, the capacity now existed to afford children more active participation in developing services extended to them.

61. Imprisonment was usually a last resort, among several options, reserved for serious offences. It was planned to establish a five-place secure unit on the Island, for children only, by 2002; the unit would not be run as a detention centre but would be fully adapted to children's needs. With regard to the question on juvenile justice and mental health, it was true that there were inconsistencies in the definition of a child. Under the Children and Young Persons Act, a child was considered to be a person under 18 whereas, in terms of legal status, a child became an adult at 17. That was one aspect which called for reflection and reform, as a juvenile court would offer greater protection for children.

62. With regard to children's hearings, guardians were appointed by the courts to represent the best interests of the child. Concerning involuntary placement of young people in psychiatric clinics, he said that children under 18 were treated in a setting outside of a psychiatric hospital wherever possible. Treatment facilities consisted of residential units and care was provided by

paediatric nurses and specially-trained mental health officers. A consultant in child psychiatry, along with other staff, had recently been appointed to cater specifically to children with psychiatric needs.

63. Conditional discharge usually lasted for a year and was used as an alternative to imprisonment. A very small number of such sentences were imposed, the condition being that no other offence should be committed. Children were also placed under supervision order with community service sentencing for lighter offences. They were usually cautioned before imprisonment was considered, but recidivism could result in recourse to the courts. He said that legal aid was available to minors and confirmed that the age of criminal responsibility was 10 years.

64. The doli incapax provision had placed the onus on the prosecutor to prove that the child had understood the seriousness of the offence. Under the new legislation, however, the burden was on the defence lawyer to prove the child's inability to understand the nature of the offence. He agreed that less protection was effectively being offered to the child, but that provision was considered necessary in the light of certain serious offences that had been committed by minors in the United Kingdom.

65. Mr. CORTLETT (United Kingdom), replying to Ms. Karp, said that the Isle of Man had studied other legislative systems, notably those of New Zealand and Northern Ireland. It did not follow United Kingdom legislation slavishly, but used it as a model in most cases. Although the Human Rights Act was not yet in force, High Court judges applied Convention law and he assured the Committee that cases of complaints against the police would be tried by a tribunal that took human rights into account.

66. The CHAIRPERSON invited Ms. Karp to make preliminary concluding observations.

67. Ms. KARP encouraged the delegation to pursue the new approach of increasing children's participation in policies and programmes. She hoped that the Human Rights Act would change the public authorities' attitudes. It was time for a holistic approach to the implementation of the Convention, and a rights-based approach in which children were viewed as human beings and partners with a valid contribution to make.

68. Regarding the continuation of certain entrenched practices, such as corporal punishment, she said that legislators needed to take the lead in changing public opinion through public education programmes. She hoped that the Committee's concluding observations would he discussed, published and disseminated in the Isle of Man.

69. Ms. SARDENBERG stressed the importance of dissemination as set forth in article 42 of the Convention. She suggested that a press conference might be held to involve civil society in the search for greater democracy.

70. Mr. KISSACK (United Kingdom) said his delegation looked forward to reading the Committee's concluding observations and would study them carefully.

The meeting was suspended at 12.45 p.m. and resumed at 12.50 p.m.

71. Mr. FIFOOT (United Kingdom) said that the Overseas Territories were a disparate collection of territories of various sizes, ranging from 3.2 km^2, and populations of at least 44 people, in the case of Pitcairn Island. The most populous countries, apart from Bermuda, were located in the Caribbean. There were also vast differences in per capita wealth. In the Caribbean Territories which had offshore industries there was a high per capita GDP (Gross Domestic Product), but that figure was not a reflection of real incomes. The disparity in wealth obviously affected Governments' revenues and their spending on services. His delegation had provided information on budgetary provisions for various services, but it was difficult to say what amounts were spent on children's issues as they were included in a number of different budgets.

72. When considering the Territories, it was also necessary to bear in mind the extent to which they were self-governing in matters covered by the Convention. Bermuda and the Caribbean Territories, for example, were fully self-governed with their own legislature, which had tax levying powers, and ministerial Government, constituting the executive. The Governor's powers were limited to defence, internal security, external affairs and some powers of appointment. In cases where international responsibilities had domestic implications, like that of the Convention, the United Kingdom Government, through the Governor, monitored their local implementation. In other Territories, such as the Falkland Islands and St. Helena, responsibilities were not so clear-cut.

73. The above-mentioned factors, together with a Territory's culture, affected the way in which matters arising from the Convention were addressed. A small population did not mean that fewer services needed to be provided because of smaller demand, as small populations and small revenues limited the number of people available to provide them. In the Territories the emphasis was on delivering services rather than recording them; although statistics might be kept in individual departments, they were not necessarily coordinated. Furthermore, the burden of reporting was greater in small bureaucracies then in large ones.

74. Provision of services for children in the Territories had long preceded the Convention, and the legislative provision made in earlier times, with various amendments, still remained a vehicle for the provision of services in a number of Territories. In addition to provisions in the criminal code on sexual offences against children and young persons, legislation on children and juveniles provided protection against cruelty and neglect and governed the placing of juveniles in alternative care. The reports referred to a number of acts for the protection of children and juveniles, including a common provision which made it an offence for a person over the age of 17 to ill-treat a child in his or her care. Common legislation on adoption stipulates that adoptions should be carried out in children's best interests and with due consideration for their views.

75. The Convention's provisions on nationality, statelessness, birth registration and identity, parental responsibility and the right not to be separated from one's parents were also covered under existing legislation and practice.

76. The Territories had responded positively to their obligation to implement the Convention. The Government of Bermuda had recently carried out a thorough review of law and practice as they related to the Convention. In the British Virgin Islands, a Human Rights Reporting

Committee was reviewing existing legislation to determine its compliance with the Convention. In its written replies to the Committee's list of issues, the delegation had listed a number of Strategic Country Plans which included proposals for children's issues.

77. The Territories continued to provide and expand traditional services, with health and education being high budgetary priorities. In addition to specific problems such as the effects of offshore work and migration on families and the language problems introduced by immigration, the territories faced universal problems such as teenage pregnancy, drugs and alcohol. In an effort to solve them the Territories had expanded their health and welfare services; his delegation would give further details at the next meeting.

The meeting rose at 1.10 p.m.